

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**EDWIN ARMIJO and
EDWINA ARMIJO, on
Behalf of their Minor Son, J.P.,**

Plaintiffs,

v.

CIV 09-0284 LAM/ACT

**GREG VALENTINO, an Officer
of the Socorro, New Mexico Police
Department, in his Individual Capacity,**

Defendant.

ORDER TO SHOW CAUSE

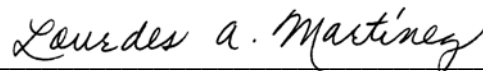
THIS MATTER came before the Court for a telephonic status conference on Thursday, October 28, 2010. Plaintiffs's counsel, Dennis Montoya, and his clients, Mr. and Mrs. Armijo, failed to appear, and Defendant appeared through counsel of record, Ron Childress. On October 7, 2010, this Court entered an *Order Setting Telephonic Status Conference (Doc. 51)* scheduling the status conference for Thursday, October 28, 2010, @ 10:30 a.m., to discuss the *Joint Motion to Approve the Settlement of a Minor's Claim and to Dismiss This Cause of Action With Prejudice (Doc. 50)* and *Notice of Compliance (Doc. 49)*. The order setting the status conference states that "Plaintiffs Edwin and Edwina Armijo shall be on the line with their counsel, Dennis Montoya, for the hearing." *Id.* On the date of the hearing, the Court called Mr. Montoya repeatedly on his cell phone number (which was the number provided to the Court to reach Mr. Montoya for the status conference). The Court was able to reach Mr. Montoya's assistant at his office, and she stated that Mr. and Mrs. Armijo were told to come to Mr. Montoya's office for the status conference, but had not

arrived. With Mr. Childress and Mr. Montoya's assistant on the line, the Court stated that it would enter an order to show cause why Mr. Montoya and Mr. and Mrs. Armijo should not be held in contempt of court for failure to appear for the scheduled status conference, would hold a hearing on the order to show cause, and will reset the status conference hearing to approve the settlement for the same date, at which Mr. Montoya and Mr. and Mrs. Armijo will be required to appear in-person. Mr. Montoya called the Court fifteen minutes after the hearing was supposed to start, but Mr. and Mrs. Armijo were still not available so the Court could not proceed with the hearing.

WHEREFORE, IT IS HEREBY ORDERED that the Court shall hold a hearing on **Monday, November 8, 2010 at 2:30 p.m., at the U.S. Courthouse and Federal Building, 4th Floor, Picacho Courtroom (South Tower), 100 N. Church, Las Cruces, NM**, at which Mr. Montoya and Mr. and Mrs. Armijo are ordered to show cause why they should not be held in contempt of Court for their failure to appear at the scheduled status conference. Mr. Montoya and Mr. and Mrs. Armijo are required to appear for this hearing in-person, and Mr. Childress may appear telephonically.

IT IS FURTHER ORDERED that following this hearing, the Court will proceed with the status hearing to discuss with the parties the *Joint Motion to Approve the Settlement of a Minor's Claim and to Dismiss This Cause of Action With Prejudice (Doc. 50)* and *Notice of Compliance (Doc. 49)*.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent